



*John T. Auberger*  
*Supervisor*

# **TOWN OF GREECE**

## **BOARD OF ZONING APPEALS**

### **MINUTES**

**NOVEMBER 3, 2010**

#### **General Information:**

**Work Session: 6:30 p.m.**

**Meeting: 7:00 p.m.**

#### **Roll Call:**

**Albert F. Meilutis, Chairman**

**Michelle M. Betters**

**Diana M. Christodaro**

**William F. Murphy**

**Keith J. Rockcastle**

**Christopher A. Schiano, Deputy Town Attorney**

**Ivana Frankenberger, Planning Assistant**

**Mary Jo Santoli, Zoning Board Secretary**

#### **Absent:**

**Randy T. Jensen**

**John J. Riley**

#### **Pledge of Allegiance**

**Additions/Deletions to the Agenda**

**Announcements:**

BOARD OF ZONING APPEALS MINUTES  
NOVEMBER 3, 2010

**OLD BUSINESS:**

- 1. Applicant:** James S. Spears  
**Location:** 63 Lowden Point Road  
**Mon. Co. Tax No.:** 026.15-4-23  
**Zoning District:** R1-E (Single-Family Residential)  
**Request:** An area variance for an existing 15 ft. round, aboveground pool to be located a waterfront yard, where accessory structures, including pools, are permitted in rear yards only. Sec. 211-11 E (3)

**Ms. Betters offered the following resolution and moved for its adoption:**

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 63 Lowden Point Road, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5(c)(10) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

**Seconded by Mr. Rockcastle and duly put to a vote, which resulted as follows:**

<b>Ms. Betters</b>	<b>Yes</b>	<b>Ms. Christodaro</b>	<b>Yes</b>
<b>Mr. Jensen</b>	<b>Absent</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
<b>Mr. Murphy</b>	<b>Yes</b>	<b>Mr. Riley</b>	<b>Absent</b>
<b>Mr. Rockcastle</b>	<b>Yes</b>		

**Motion Carried**

---

**Ms. Betters then offered the following resolution and moved its adoption:**

WHEREAS, with regard to the application of James S. Spears, 63 Lowden Point Road, James S. Spears appeared before the Board of Zoning Appeals this evening requesting an

BOARD OF ZONING APPEALS MINUTES  
NOVEMBER 3, 2010

area variance for an existing 15 ft. round, aboveground pool to be located a waterfront yard, where accessory structures, including pools, are permitted in rear yards only.

WHEREAS, Mr. Spears had been sited through code compliance and he had to obtain a permit for this pool. He has noted that a ladder is in place to take care of any safety issues or if any children were to be attracted to it, and he also said that he is around the pool when it is occupied. If there were to be a leak or a flood from the pool, it would not affect neighbors or run off to the side, having no effect to the neighboring properties.

WHEREAS, it is my opinion that an undesirable change will not be produced in the character of the neighborhood, nor will it be a detriment to nearby properties should this variance be granted. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue. The area variance is not substantial. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The alleged difficulty was self-created, which consideration is relevant to the decision of the Board, but shall not necessarily preclude the granting of this area variance.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board,

THEREFORE, I move to approve this application with the following conditions:

1. That the proper permits be obtained.
2. That the applicant signs a Hold Harmless Agreement with the Town.
3. And also this approval is limited to the 15 ft. existing above-ground pool.

**Seconded by Mr. Rockcastle and duly put to a vote, which resulted as follows:**

<b>Ms. Betters</b>	<b>Yes</b>	<b>Ms. Christodaro</b>	<b>Abstain</b>
<b>Mr. Jensen</b>	<b>Absent</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
<b>Mr. Murphy</b>	<b>Yes</b>	<b>Mr. Riley</b>	<b>Absent</b>
<b>Mr. Rockcastle</b>	<b>Yes</b>		

**Motion Carried**  
**Application Approved**  
**With Conditions**

---

BOARD OF ZONING APPEALS MINUTES  
NOVEMBER 3, 2010

- 2. Applicant:** Richard E. Schultz  
**Location:** 142 Stone Road  
**Mon. Co. Tax No.:** 060.74-5-5  
**Zoning District:** R1-E (Single-Family Residential)  
**Request:** An area variance for an existing deck, (approximately 224 sq. ft.) to be located in a side yard, where accessory structures, including decks, are permitted in rear yards only. Sec. 211-11 E (1)

**Ms. Betters offered the following resolution and moved for its adoption:**

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 142 Stone Road, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5(c)(10) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

**Seconded by Mr. Murphy and duly put to a vote, which resulted as follows:**

<b>Ms. Betters</b>	<b>Yes</b>	<b>Ms. Christodaro</b>	<b>Yes</b>
<b>Mr. Jensen</b>	<b>Absent</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
<b>Mr. Murphy</b>	<b>Yes</b>	<b>Mr. Riley</b>	<b>Absent</b>
<b>Mr. Rockcastle</b>	<b>Yes</b>		

**Motion Carried**

---

**Ms. Betters then offered the following resolution and moved its adoption:**

WHEREAS, with regard to the application of Richard Schultz, 142 Stone Road, Mr. Schultz appeared before the Board of Zoning appeals this evening requesting an area variance for an existing deck, (approximately 224 sq. ft.) to be located in a side yard, where accessory structures, including decks, are permitted in rear yards only.

BOARD OF ZONING APPEALS MINUTES  
NOVEMBER 3, 2010

WHEREAS, the applicant stated that he had lived at the residence for approximately 12 years and at this time is waiting for a closing because he has sold the property. An existing deck, approximately 8 ft. x 8 ft., was there when he bought the property and he had added a 10 ft. x 16 ft. addition to that deck. It is made of pressure-treated wood, it is not covered or enclosed, and it is stained and appears to be in good condition and it looks very nice with the property. The applicant also stated that it would be a financial hardship if the deck had to be torn down or rebuilt.

WHEREAS, after considering the five points when determining an area variance, it is my opinion that an undesirable change will not be produced in the character of the neighborhood, nor will it be a detriment to nearby properties should this area variance be granted. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue. The requested area variance is not substantial. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The alleged difficulty was self-created which consideration is relevant to the decision of the Board, but shall not necessarily preclude the granting of this area variance.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board,

THEREFORE, I move to approve this application with the following conditions;

1. That this approval is for the life of the deck.
2. That the proper permits be obtained.

**Seconded by Mr. Murphy and duly put to a vote, which resulted as follows:**

<b>Ms. Betters</b>	<b>Yes</b>	<b>Ms. Christodaro</b>	<b>Yes</b>
<b>Mr. Jensen</b>	<b>Absent</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
<b>Mr. Murphy</b>	<b>Yes t</b>	<b>Mr. Riley</b>	<b>Absent</b>
<b>Mr. Rockcastle</b>	<b>Yes</b>		

**Motion Carried**  
**Application Approved**  
**With Conditions**

---

BOARD OF ZONING APPEALS MINUTES  
NOVEMBER 3, 2010

- 3. Applicant:** Salvatore's Pizzeria  
**Location:** 2496 West Ridge Road  
**Mon. Co. Tax No.:** 074.14-2-12  
**Zoning District:** BR (Restricted Business)  
**Request:** An area variance for a proposed second (west side) building-mounted sign, with a sign area of 40.0 sq. ft., instead of the one (1) 32.0 sq. ft. building-mounted sign permitted. Sec. 211-52 B (2)(c)[1], Table VII

**On a motion by Ms. Christodaro and seconded by Ms. Betters, it was resolved to continue the public hearing on this application until the meeting of April 5, 2011, as agreed to by the applicant.**

<b>Ms. Betters</b>	<b>Yes</b>	<b>Ms. Christodaro</b>	<b>Yes</b>
<b>Mr. Jensen</b>	<b>Absent</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
<b>Mr. Murphy</b>	<b>Yes</b>	<b>Mr. Riley</b>	<b>Absent</b>
<b>Mr. Rockcastle</b>	<b>Yes</b>		

**Motion Carried  
Application Continued  
Until Meeting of  
April 5, 2011**

---

BOARD OF ZONING APPEALS MINUTES  
NOVEMBER 3, 2010

- 4. Applicant:** Texas Roadhouse  
**Location:** 1946 & 1960 West Ridge Road  
**Mon. Co. Tax No.:** 074.15-11-27 & 074.16-2-22  
**Zoning District:** BR (Restricted Business)  
**Request:**
- a) An area variance for a proposed freestanding restaurant to have a front setback 60.6 ft., measured from the west right-of-way line of Latona Road (aka Fetzner Road), instead of the 85.0 ft. minimum required. Sec. 211-17 B (4), Table III
  - b) An area variance for 378 parking spaces instead of the 609 parking spaces required. Sec. 211-45 N(3)(B); Sec. 211-45 N (4); Sec. 211-45 P; Sec. 211-45 Q; Sec. 211-45 S (1); Sec. 211-45 Z
  - c) An area variance for proposed lot coverage of 22.9%, instead of the 15% maximum permitted. Sec. 211-17 B (4), Table III
  - d) An area variance for a proposed second (south side) building-mounted sign, with a sign area of 229.8 sq. ft., instead of the one (1) 50.0 sq. ft. building-mounted sign permitted. Sec. 211-52 B (2)(a)[1] & Sec. 211-52 B (2)(c)[1], Table VII

**On a motion by Ms. Christodaro and seconded by Ms. Betters, it was resolved to continue the public hearing on this application until the meeting of November 16, 2010, as agreed to by the applicant.**

**Ms. Betters**  
**Mr. Jensen**  
**Mr. Murphy**  
**Mr. Rockcastle**

**Yes**  
**Absent**  
**Yes**  
**Yes**

**Ms. Christodaro**  
**Mr. Meilutis**  
**Mr. Riley**

**Yes**  
**Yes**  
**Absent**

**Motion Carried**  
**Application Continued**  
**Until Meeting of**  
**November 16, 2010**

---

BOARD OF ZONING APPEALS MINUTES  
NOVEMBER 3, 2010

- 5. Applicant:** Auction Direct USA  
**Location:** 4350 West Ridge Road  
**Mon. Co. Tax No.:** 073.01-1-7  
**Zoning District:** BG (General Business)  
**Request:** A special use permit to operate a business for the sale, lease or rental of new and used cars and trucks, including related repair or service facilities; and for outdoor storage or display of motor vehicles. Sec. 211-17 C (3) (b) [3] & Sec. 211-17 C (3) (b) [4]

**On a motion by Ms. Christodaro and seconded by Ms. Betters, it was resolved to continue the public hearing on this application until the meeting of December 7, 2010, as requested by the applicant.**

<b>Ms. Betters</b>	<b>Yes</b>	<b>Ms. Christodaro</b>	<b>Yes</b>
<b>Mr. Jensen</b>	<b>Absent</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
<b>Mr. Murphy</b>	<b>Yes</b>	<b>Mr. Riley</b>	<b>Absent</b>
<b>Mr. Rockcastle</b>	<b>Yes</b>		

**Motion Carried  
Application Continued  
Until Meeting of  
December 7, 2010**

---

BOARD OF ZONING APPEALS MINUTES  
NOVEMBER 3, 2010

**NEW BUSINESS:**

- 1. Applicant:** Brian Rockafellow  
**Location:** 1089 Bennington Drive  
**Mon. Co. Tax No.:** 060.51-2-46  
**Zoning District:** R1-E (Single-Family Residential)  
**Request:** An area variance for existing lot coverage of 27.9%, instead of the 25% maximum permitted. Sec. 211-11 D (2), Table I

**Mr. Rockcastle offered the following resolution and moved for its adoption:**

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 1089 Bennington Drive, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5(c)(10) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

**Seconded by Mr. Murphy and duly put to a vote, which resulted as follows:**

<b>Ms. Betters</b>	<b>Yes</b>	<b>Ms. Christodaro</b>	<b>Yes</b>
<b>Mr. Jensen</b>	<b>Absent</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
<b>Mr. Murphy</b>	<b>Yes</b>	<b>Mr. Riley</b>	<b>Absent</b>
<b>Mr. Rockcastle</b>	<b>Yes</b>		

**Motion Carried**

---

**Mr. Rockcastle then offered the following resolution and moved its adoption:**

WHEREAS, with regard to the application of Brian Rockafellow, 1089 Bennington Drive, Mr. Rockafellow appeared before the Board of Zoning appeals this evening requesting an area variance for existing lot coverage of 27.9%, instead of the 25% maximum permitted.

BOARD OF ZONING APPEALS MINUTES  
NOVEMBER 3, 2010

WHEREAS, the applicant gave testimony that he has lived in this house for five months. The deck and the pool were constructed approximately a month after his taking ownership. The deck and the pool were built by a contractor, the back yard is a fenced-in back yard containing the above-ground pool. The pool is approximately 20 ft. in diameter, along with a framed deck. It is a pressure-treated deck with white vinyl rails. The applicant stated that it would be a significant financial burden if the variance was not granted and he had to remove the pool or change the deck to bring it into compliance.

WHEREAS, after considering the five points when determining an area variance, it is my opinion that by granting the above-mentioned variance, an undesirable change will not be produced in the character of the neighborhood, nor will it be a detriment to nearby properties, should this area variance be granted. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue. The requested area variance is not substantial. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The alleged difficulty was self-created, which consideration is relevant to the decision of the Board, but shall not necessarily preclude the granting of the area variance.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board,

THEREFORE, be it

RESOLVED, I move that this application be granted.

**Seconded by Mr. Murphy and duly put to a vote, which resulted as follows:**

<b>Ms. Betters</b>	<b>Yes</b>	<b>Ms. Christodaro</b>	<b>Yes</b>
<b>Mr. Jensen</b>	<b>Absent</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
<b>Mr. Murphy</b>	<b>Yes</b>	<b>Mr. Riley</b>	<b>Absent</b>
<b>Mr. Rockcastle</b>	<b>Yes</b>		

**Motion Carried**  
**Application Approved**

---

BOARD OF ZONING APPEALS MINUTES  
NOVEMBER 3, 2010

- 2. Applicant:** Ross A. and Deborah A. Mundorff  
**Location:** 44 Lowden Point Road  
**Mon. Co. Tax No.:** 026.15-2-20  
**Zoning District:** R1-E (Single-Family Residential)  
**Request:** An area variance for a proposed 24 ft. round, aboveground pool to be located in a waterfront yard, where accessory structures, including pools, are permitted in rear yards only. Sec. 211-11 E (3)

**Ms. Betters offered the following resolution and moved for its adoption:**

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 44 Lowden Point Road, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5(c)(10) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

**Seconded by Ms. Christodaro and duly put to a vote, which resulted as follows:**

<b>Ms. Betters</b>	<b>Yes</b>	<b>Ms. Christodaro</b>	<b>Yes</b>
<b>Mr. Jensen</b>	<b>Absent</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
<b>Mr. Murphy</b>	<b>Yes</b>	<b>Mr. Riley</b>	<b>Absent</b>
<b>Mr. Rockcastle</b>	<b>Yes</b>		

**Motion Carried**

---

**Ms. Betters then offered the following resolution and moved its adoption:**

WHEREAS, with regard to the application of Ross and Deborah Mundorf, 44 Lowden Point Road, Mr. and Mrs. Mundorf appeared before the Board of Zoning Appeals this evening requesting an area variance for a proposed 24 ft. round, aboveground pool to be located in

BOARD OF ZONING APPEALS MINUTES  
NOVEMBER 3, 2010

a waterfront yard, where accessory structures, including pools, are permitted in rear yards only.

WHEREAS, the applicant stated that this would be the location on his property to put it on due to the fact that if he were to put it anywhere else, it would block the view of the pond. They are familiar with the local pool laws. At this time, there will be no deck; it is high enough with 54-inch sides that it does not need a fence. It will just have a ladder at this time, and they are aware of any safety issues if the pool were to be unattended. If there were a leak or a flood from the pool, the water would flow toward the pond; it wouldn't affect any neighboring properties.

WHEREAS, it is my opinion that an undesirable change will not be produced in the character of the neighborhood, nor will it be a detriment to nearby properties, should this area variance be granted. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue. The requested area variance is not substantial. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The alleged difficulty was self-created, which consideration is relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board,

THEREFORE, I move to approve this application with the condition that the applicant obtain the necessary permit for the pool.

**Seconded by Ms. Christodaro and duly put to a vote, which resulted as follows:**

<b>Ms. Betters</b>	<b>Yes</b>	<b>Ms. Christodaro</b>	<b>Yes</b>
<b>Mr. Jensen</b>	<b>Absent</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
<b>Mr. Murphy</b>	<b>Yes t</b>	<b>Mr. Riley</b>	<b>Absent</b>
<b>Mr. Rockcastle</b>	<b>Yes</b>		

**Motion Carried**  
**Application Approved**  
**With Condition**

---

BOARD OF ZONING APPEALS MINUTES  
NOVEMBER 3, 2010

- 3. Applicant:** Jason L. Hinkleman  
**Location:** 140 Maiden Lane  
**Mon. Co. Tax No.:** 060.80-3-21  
**Zoning District:** R1-E (Single-Family Residential)  
**Request:**
- a) An area variance for a proposed detached garage addition (20.0 ft. x 30.0 ft.; 600.0 sq. ft.), resulting in a total gross floor area of 1068.0 sq. ft. for all existing and proposed accessory structures and attached garage, where 800 sq. ft. is the maximum gross floor area permitted for lots under 16,000 sq. ft. in area. Sec. 211-11 E (1), Table I
  - b) An area variance for a proposed detached garage addition (20.0 ft. x 30.0 ft.; 600.0 sq. ft.), to have a (east) side setback of 3.0 ft., instead of the 6.0 ft. minimum required. Sec. 211-11 E (1), Table I
  - c) An area variance for proposed lot coverage of 33.6%, instead of the 25% maximum permitted. Sec. 211-11 D (2), Table I

**Mr. Meilutis offered the following resolution and moved for its adoption:**

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 140 Maiden Lane, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5(c)(10) & (12) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

BOARD OF ZONING APPEALS MINUTES  
NOVEMBER 3, 2010

**Seconded by Mr. Rockcastle and duly put to a vote, which resulted as follows:**

<b>Ms. Betters</b>	<b>Yes</b>	<b>Ms. Christodaro</b>	<b>Yes</b>
<b>Mr. Jensen</b>	<b>Absent</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
<b>Mr. Murphy</b>	<b>Yes</b>	<b>Mr. Riley</b>	<b>Absent</b>
<b>Mr. Rockcastle</b>	<b>Yes</b>		

**Motion Carried**

---

**Mr. Meilutis then offered the following resolution and moved its adoption:**

WHEREAS, with regard to the application of Jason Hinkleman, 140 Maiden Lane, Mr. Hinkleman appeared before the Board of Zoning appeals this evening requesting an area variance for a proposed detached garage addition (20.0 ft. x 30.0 ft.; 600.0 sq. ft.), resulting in a total gross floor area of 1068.0 sq. ft. for all existing and proposed accessory structures and attached garage, where 800 sq. ft. is the maximum gross floor area permitted for lots under 16,000 sq. ft. in area; an area variance for a proposed detached garage addition (20.0 ft. x 30.0 ft.; 600.0 sq. ft.), to have a (east) side setback of 3.0 ft., instead of the 6.0 ft. minimum required; and an area variance for proposed lot coverage of 33.6%, instead of the 25% maximum permitted.

WHEREAS, the applicant told the Board that the purpose of this addition that he wants to put on his existing garage is to store his boat, which is approximately 27 ft. in length. Additionally, he stores some lawn furniture and he wants to store the vehicle that he drives all in the building once the addition has been added. The applicant indicated that he may consider installing a garage door on the west side of the addition. The applicant further testified that the garage will be no higher than permitted by code, which is 17 ft. in height. During the course of the hearing, we heard from several neighbors, both in favor of as well as against this particular addition. There were a number of reasons cited in both cases. The Board has considered all those comments that were presented in writing, verbally and in direct testimony at the hearing tonight. During the course of the process, it was discussed and identified that the applicant does run a landscaping business and has had a business relationship with some other businesses in the area, but he conducts no business on the residential property, which is clearly not zoned for commercial business. The applicant further testified that he would be willing to submit to random inspections by the Town Building Department for compliance, should this application be approved. Further, the applicant testified that there would be some lighting in there, there would be no water in there, and that he would be working with the Town's Building Department as well as the Engineering Department to obtain all the necessary permits needed, should this variance be approved.

WHEREAS, the Board shall consider five additional points when considering these variances. An undesirable change will not be produced in the character of the neighborhood, nor will it be a detriment to nearby properties in granting this variance: As testified during the hearing, we have one garage in close proximity to this property that measures approximately 20 ft. x 46 ft. for 920 sq. ft. Officially, the staff identified the property within the same general area of Maiden Lane; it has a lot coverage of approximately 30%. On smaller lots like this, it is not that difficult to exceed it. The applicant further testified, to mitigate some of these measures, that he was willing to remove the existing shed that is on the property, should this application be approved. The benefit sought by the applicant cannot be achieved by some other method feasible for the

BOARD OF ZONING APPEALS MINUTES  
NOVEMBER 3, 2010

applicant to pursue other than by area variance. The lot is tight to begin with, these are small lots, and to accomplish his desire to keep his property under shelter and not exposed to the neighbors, it would require a variance. The area variance is not substantial when you consider that there are other buildings in the general vicinity with very similar type lot coverages. The area variance proposed will not have an adverse impact on the physical or environmental conditions in the neighborhood or district, as again there are other buildings within the general area similar in size to this particular application. The alleged difficulty was self-created, which consideration is relevant to the decision of the Board, but shall not necessarily preclude the granting of the area variance. The applicant has chosen to do an awful lot on a piece of property that is very difficult to do all the things that he wants, other than by obtaining necessary variances.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board,

THEREFORE, I am going to move to approve this application with the following conditions:

1. That the applicant obtain the necessary building permits after reviewing with the Building Department and Engineering Department for any drainage concerns.
2. That the applicant, as offered and agreed to, will allow the Town to do random inspections on the property to be sure that it is in compliance with the zoning for the particular parcel.
3. That there be no lift equipment installed within the garages that would lift the vehicles even slightly off the floor. It is clear that this is a residential property and it shall not be used in any form or fashion for commercial uses.
4. Also, that the building will have to match the existing garage and be conducive to the home itself.
5. And as offered and agreed to by the applicant, the shed needs to be removed prior to completion of the building.
6. There will be no temporary tents or shelters of coverage on the property. As part of granting this variance, the applicant has said that he wants to get everything out of sight from the neighbors, aside from the fact that the tents are temporary in nature, it also does create additional coverage for vehicles or other things that you want to store. No outside storage if we are granting this size structure.

The applicant inquired about putting his hot tub back on the property and it was explained that that would be part of the lot coverage and he would need another variance.

BOARD OF ZONING APPEALS MINUTES  
NOVEMBER 3, 2010

**Seconded by Mr. Rockcastle and duly put to a vote, which resulted as follows:**

<b>Ms. Betters</b>	<b>Yes</b>	<b>Ms. Christodaro</b>	<b>Yes</b>
<b>Mr. Jensen</b>	<b>Absent</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
<b>Mr. Murphy</b>	<b>Yes t</b>	<b>Mr. Riley</b>	<b>Absent</b>
<b>Mr. Rockcastle</b>	<b>Yes</b>		

**Motion Carried**  
**Application Approved**  
**With Conditions**

---

BOARD OF ZONING APPEALS MINUTES  
NOVEMBER 3, 2010

4.   **Applicant:**                 John R. Watkins  
      **Location:**                3273 Edgemere Drive  
      **Mon. Co. Tax No.:** 026.39-3-3  
      **Zoning District:**    R1-E (Single-Family Residential)  
      **Request:**               a) An area variance for a proposed house, following demolition  
                                      of an existing house, to have a front setback of 20.0 ft.,  
                                      (measured from the south right-of-way of Edgemere Drive),  
                                      instead of the 30.0 ft. minimum required.   Sec. 211-11 D (1)(a)  
                                      & Sec. 211-11 D (2), Table I  
                                      b) An area variance for a proposed house, following demolition  
                                      of an existing house, to have a rear setback of 23.1 ft., instead  
                                      of the 27.0 ft. minimum required.   Sec. 211-11 D (2), Table I  
                                      c) An area variance for proposed lot coverage of 30%, instead  
                                      of the 25% maximum permitted.   Sec. 211-11 D (2), Table I

**On a motion by Ms. Christodaro and seconded by Ms. Betters, it was resolved to continue the public hearing on this application until the meeting of November 16 2010 so that the applicant can provide more information to the Board.**

**Ms. Betters**  
**Mr. Jensen**  
**Mr. Murphy**  
**Mr. Rockcastle**

**Yes**  
**Absent**  
**Yes**  
**Yes**

**Ms. Christodaro**  
**Mr. Meilutis**  
**Mr. Riley**

**Yes**  
**Yes**  
**Absent**

**Motion Carried**  
**Application Continued**  
**Until Meeting of**  
**November 16, 2010**

---

BOARD OF ZONING APPEALS MINUTES  
NOVEMBER 3, 2010

- 5. Applicant:** Theodore LePage, MD  
**Location:** 2660 & 2664 Ridgeway Avenue  
**Mon. Co. Tax No.:** 089.03-1-2.112 & 089.03-1-5.1  
**Zoning District:** CHC (Central Health Care) & R1-18 (Single-Family Residential)  
**Request:** a) An area variance for a portion of a proposed parking area to be located on an adjoining parcel, where all parking spaces shall be located on the same lot or business center as the use for which they are provided. Sec. 211-42  
b) An area variance for a proposed parking area to be located 1.0 ft. from a Central Health Care District boundary line, instead of the 100.0 ft. minimum required. Sec. 211-15 C (1) (b)

**Mr. Meilutis offered the following resolution and moved for its adoption:**

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 2660 & 2664 Ridgeway Avenue, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5(c)(12) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

**Seconded by Mr. Murphy and duly put to a vote, which resulted as follows:**

<b>Ms. Betters</b>	<b>Yes</b>	<b>Ms. Christodaro</b>	<b>Yes</b>
<b>Mr. Jensen</b>	<b>Absent</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
<b>Mr. Murphy</b>	<b>Yes</b>	<b>Mr. Riley</b>	<b>Absent</b>
<b>Mr. Rockcastle</b>	<b>Yes</b>		

**Motion Carried**

---

BOARD OF ZONING APPEALS MINUTES  
NOVEMBER 3, 2010

**Mr. Meilutis then offered the following resolution and moved its adoption:**

WHEREAS, with regard to the application of Theodore LePage, MD, 2660 & 2664 Ridgeway Avenue, Mr. Walt Baker of DSB Engineering & Architecture representing Dr. LePage, appeared before the Board of Zoning appeals this evening requesting an area variance for a portion of a proposed parking area to be located on an adjoining parcel, where all parking spaces shall be located on the same lot or business center as the use for which they are provided; and an area variance for a proposed parking area to be located 1.0 ft. from a Central Health Care District boundary line, instead of the 100.0 ft. minimum required.

WHEREAS, the applicant testified tonight that Dr. LePage is expanding the size of his practice and therefore requires more staff, which will also generate additional patients on the site. The site is not large enough to facilitate all the parking that is needed, so they would like to add the additional parking area within the adjoining CHC district area. Further, the applicant testified that there are other professional businesses, both on Ridgeway Avenue as well as around the corner, that have similar practices that require parking of this nature by code and by reality.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board,

THEREFORE, I am going to move that we approve the variances as requested, I could go through the various points, but I think we have covered those already for the justification of this motion.

WHEREAS, an undesirable change will not be produced in the character of the neighborhood, as there are other properties. The benefit to the applicant cannot be sought by some other method; he needs the parking adjacent to the property, even though it is divided between an R1-18 district line and a CHC district line. The requested area variance is not substantial, in that there are other properties nearby. The proposed variance will not have an adverse effect on the physical or environmental conditions in the neighborhood. The alleged difficulty was self-created, which consideration is relevant to the decision of the Board, but shall not necessarily preclude the granting of the application. The practice is expanding in size and additional parking needs are needed and this will meet those needs.

Having just reviewed all the statutory factors, I am going to move to approve the variances as requested.

BOARD OF ZONING APPEALS MINUTES  
NOVEMBER 3, 2010

**Seconded by Mr. Murphy and duly put to a vote, which resulted as follows:**

<b>Ms. Betters</b>	<b>Yes</b>	<b>Ms. Christodaro</b>	<b>Yes</b>
<b>Mr. Jensen</b>	<b>Absent</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
<b>Mr. Murphy</b>	<b>Yes</b>	<b>Mr. Riley</b>	<b>Absent</b>
<b>Mr. Rockcastle</b>	<b>Yes</b>		
		<b>Motion Carried</b>	
		<b>Application Approved</b>	

---

BOARD OF ZONING APPEALS MINUTES  
NOVEMBER 3, 2010

**MODIFICATION TO NEIGHBORHOOD NOTIFICATION:**

- 1. Applicant:** Farash Corporation  
**Location:** 0 Andover Street  
**Mon. Co. Tax No.:** 075.63-1-1.1  
**Zoning District:** RMH (Multiple-Family Residential)  
**Request:** An area variance for a proposed second freestanding entrance identification sign to have an overall area of 24.0 sq. ft. and an overall height of 5.5 ft., where such sign shall not be greater than 20.0 sq. ft. in size and the highest side of such sign shall not exceed 3.0 ft. in height and where only one freestanding entrance identification sign is permitted. Sec. 211-52 A (3); Sec. 211-52 A (3)(c) & Sec. 211-52 A (3)(d)

The applicant for the request, Farash Corporation, 0 Andover Street, has requested a modification to the neighborhood notification requirements, to reduce the number of property owners to be notified. The basis for this request is the large size of the subject parcel and the many properties that would be included in the notification but are not near the subject of the variances.

**On a motion by Mr. Murphy and seconded by Mr. Rockcastle, it was resolved to amend the Neighborhood Notification for the application by Farash Corporation, relying on the Town staff's judgment for fulfillment of the zoning ordinance intent for adequate neighborhood notification, which should be just the parcels across from the proposed project location and elsewhere applicable, which would be parcels on Bonesteel Street; these are the parcels that potentially would be most affected by the proposed variance.**

<b>Vote:</b>	<b>Ms. Betters</b>	<b>Yes</b>	<b>Ms. Christodaro</b>	<b>Yes</b>
	<b>Mr. Jensen</b>	<b>Absent</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
	<b>Mr. Murphy</b>	<b>Yes</b>	<b>Mr. Riley</b>	<b>Absent</b>
	<b>Mr. Rockcastle</b>	<b>Yes</b>		

**Motion Carried  
Request Granted**

---

BOARD OF ZONING APPEALS MINUTES  
NOVEMBER 3, 2010

**ADJOURNMENT**

The meeting was adjourned at 9:55 p.m.

The Board of Zoning Appeals of the Town of Greece, in the County of Monroe and State of New York, rendered the above decisions.

**Dated:** \_\_\_\_\_  
Albert F. Meilutis, Chairman

J:\ZoningBoard\Minutes\2010 Minutes\Minutes Nov 3 10.doc